

provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also **MPEP § 804.01**.

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Csaba Hunter on December 10, 2009.

The application has been amended as follows:

In claims **2-4 and 6-15** at the end of each claim

**DELETE** " and pharmaceutically usable derivatives, solvates, salts and stereoisomers thereof, including mixtures thereof in all ratios"

**and INSERT** ----including a stereoisomer thereof, or a pharmaceutically acceptable salt thereof-----

In claim **22**, lines **6 and 7**, **DELETE** " a tumor, a tumor disease and/or tumor "

In claim **22**, last line, **DELETE** "claim 1" **and INSERT** --- claim 16---

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**Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

The 112 first paragraph rejections of claims 1-6, 18-21 and 23 sent in the Office Action mailed on July 24, 2009 have been withdrawn because of the Amendment filed